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| EXAMINER | |
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

| Office Action Summary | Application No. | Applicant(s) | |
|---|---|---|---|
| | 10/766,293 | SAVAGE ET AL. | |
| | Examiner | Art Unit | |
| | Kan Yuen | 2616 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *28 January 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *1-56* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-8,10-30,32-50 and 52-56* is/are rejected.

7)☒ Claim(s) *9,31 and 51* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *28 January 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *1/28/2004*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

## *Detailed Action*

### *Claim Objections*

1. Claim 38 is objected to because of the following informalities:

Claim 38 is depending on itself. Appropriate correction is required.

### *Claim Rejections - 35 USC § 101*

2. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 23-42 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 23-42 lacked the proper preamble for a computer readable medium claim. This subject matter is not limited to that which falls within a statutory category of invention because it is not limited to a process, machine, manufacture, or a composition of matter. Correction is required. An example of an acceptable preamble for a computer type claims is "A computer readable medium encoded with a computer executable instructions, the instructions comprising". For further information on statutory computer type claims, see MPEP section 2100.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 15-17, and 37-39 are rejected under 35 U.S.C. 102(e) as being anticipated by Kaul et al. (Pub No.: 2005/0047423).

In claim 15, Kaul et al. disclosed the method of receiving one or more digital-network packets having the transport protocol; and examining digital characteristics of the one or more digital-network packets with at least one silence algorithm to determine if the digital-network packets contain a period of silence (see paragraph 0013, lines 1-15, and see paragraph 0016, lines 1-7, and see paragraph 0053, lines 1-15). As shown, the receiving media information can be examine to determined the speech information, silence periods, and background noise of the media information, which can be interpreted as the digital characteristics. The transport protocol used is TCP. The audio compression is used in standard G.711 as the silence algorithm.

Regard claim 16, Kaul et al. also disclosed the method of the transport protocol includes a media transport protocol (see paragraph 0043, lines 1-15).

Regard claim 17, Kaul et al. also disclosed the method of the transport protocol includes at least one CODEC format (see paragraph 0053, lines 1-15).

Regarding claim 37, Kaul et al. also disclosed the method of receiving digital-network packets having the transport protocol; and examining digital characteristics of the digital-network packets with at least one silence algorithm to determine if the digital-network packets contain a period of silence (see paragraph 0013, lines 1-15, and see

paragraph 0016, lines 1-7, and see paragraph 0053, lines 1-15). As shown, the receiving media information can be examine to determined the speech information, silence periods, and background noise of the media information, which can be interpreted as the digital characteristics. The transport protocol used is TCP. The audio compression is used in standard G.711 as the silence algorithm.

Regarding claim 38, Kaul et al. also disclosed the method of the transport protocol is the real-time transport protocol (RTP) format (see paragraph 0021, lines 1-15).

Regarding claim 39, Kaul et al. also disclosed the method of the transport protocol includes at least one CODEC format (see paragraph 0053, lines 1-15).

***Claim Rejections - 35 USC § 103***

5. The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of

the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8. Claims 1, 2, 7, 11, 23, 24, 29, 33, 43, 44, and 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saints et al. (Pat No.: 5872755), in view of Kari (Pat No. 6434168).

For claims 1 and 23, Saints et al. disclosed the method of receiving one or more reference-digital-network packets corresponding to a predetermined clip, the one or more reference-digital-network packets having the transport protocol, extracting one or more reference-real-time protocol payloads from the one or more reference-digital-network packets as a reference clip (see column 4, lines 31-50, and see column 7, lines 27-45, fig. 1, and fig. 3). As shown in fig. 1, the communication may consist of voice information, which is considers as real time, and therefore has real time transport protocol. As shown in fig. 3, a received frame signal is multiplexed into units 32 and 34, unit 44 is the memory for storing plurality of frame signals, which became reference

frame signals. The rate processor 46 in fig. 3, computes a frame ratio from the frame signal, thus, the ratio can be the key value. The frame signals are the variation of voice information contains different transmission rates. Therefore, we can interpret that the voice information is the predetermined clip; receiving one or more current-digital-network packets having the transport protocol extracting one or more current payloads from the one or more current-digital-network packets as a current clip; (see column 4, lines 31-40, and see column 7, lines 27-45, fig. 1, and fig. 3). As shown in fig. 1, the communication may consist of voice information, which is considers as real time, and therefore has real time transport protocol. As shown in fig. 3, a received frame signal, which is the current packet, is multiplexed into units 32 and 34, unit 44 is the memory for storing plurality of frame signals. Frame signals are the variation of voice information contains different transmission rates. Therefore, we can interpret that the voice information is the predetermined clip; comparing the one or more current key values with the one or more reference key values to determine an occurrence of a match between the current clip and the reference clip (see column 7, lines 45-60); At last, the comparison is performed to determine if full data has received. However, Saints et al. did not disclosed the method of selecting a reference clip algorithm; generating one or more reference key values associated with the reference clip and with the reference clip algorithm, and selecting a current clip algorithm; generating one or more current key values associated with the current clip and with the current clip algorithm. Kari from the same or similar fields of endeavor teaches the method of selecting a reference clip algorithm; generating one or more reference key values associated with the reference

clip and with the reference clip algorithm (see Abstract). As shown, the frame ratio, which is the key value, is generated based on two algorithms; selecting a current clip algorithm; generating one or more current key values associated with the current clip and with the current clip algorithm (see Abstract). The reference and current values can be generated using both algorithms. Thus, it would have been obvious to the person of ordinary skill in the art at the time of the invention to use the method as taught by Kari in the network of Saints et al. The motivation for using the method as taught by Kari in the network of Saints et al. being that the two algorithms can generate two distinct values.

Regarding claim 2, Saints et al. disclosed the method of the predetermined clip includes an audio clip and the one or more current-digital-network packets include an audio signal (see column 7, lines 45-60, and see fig. 3). As shown in fig. 3, the voice frame is received at the receiver 30. The voice frame is one of the voice information.

Regarding claim 7, Saints et al. also disclosed the method of comparing the one or more current key values with the one or more reference key values associated with the reference clip; and comparing the one or more current key values with one or more other reference key values associated with a plurality of reference clips (see column 4, lines 32-40, and see column 7, lines 45-60, and see fig. 3). The sampled voice information can comprise of more than one reference clips.

Regarding claim 11, Saints et al. also disclosed the method of recording at least one of the reference clip and the one or more reference key values associated with the reference clip; and retrieving at least one of the recorded reference clip and at least one

of the recorded one or more reference key values (see column 7, lines 27-55, fig. 1, and fig. 3). The unit 44 is the memory for storing the reference signal data. Therefore, the memory records the data.

Regarding claim 24, Saints disclosed the method of the predetermined clip includes an audio clip and the one or more current-digital-network packets include an audio signal (see column 7, lines 45-60, and see fig. 3). As shown in fig. 3, the voice frame is received at the receiver 30. The voice frame is one of the voice information.

Regarding claim 29, Saints disclosed the method of comparing the one or more current key values with the one or more reference key values associated with the reference clip; and comparing the one or more current key values with one or more other reference key values associated with a plurality of reference clips (see column 4, lines 32-40, and see column 7, lines 45-60, and see fig. 3). The sampled voice information can comprise of more than one reference clips.

Regarding claim 33, Saints et al. disclosed the method of recording at least one of the reference clip and the one or more reference key values associated with the at least one reference clip; and retrieving at least one of the recorded reference clip and at least one of the recorded reference key values (see column 7, lines 27-55, fig. 1, and fig. 3). The unit 44 is the memory for storing the reference signal data. Therefore, the memory records the data.

Regarding claim 43, same rejection is applied as to claim 1, because claim 1 is the method claim, and 43 is the system claim.

Regarding claim 44, Saints et al. disclosed the method of the predetermined clip includes an audio clip and the one or more current-digital-network packets include an audio signal (see column 7, lines 45-60, and see fig. 3). As shown in fig. 3, the voice frame is received at the receiver 30. The voice frame is one of the voice information.

Regarding claim 49, Saints et al. disclosed the method of the comparison processor is adapted to compare the one or more current key values with the one or more reference key values associated with a plurality of reference clips (see column 4, lines 32-40, and see column 7, lines 45-60, and see fig. 3). The sampled voice information can comprise of more than one reference clips.

9. Claims 3-6, 10, 12, 25-28, 32,34, 36, 45-48, and 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saints et al. (Pat No.: 5872755), in view of Kari (Pat No. 6434168), as applied to claim 2 above, and further in view of Kaul et al. (Pub No.: 2005/0047423).

For claim 3, Saints et al. and Kari both disclosed all the subject matter of the claimed invention with the exception of the transport protocol includes a media transport protocol. Kaul et al. from the same or similar fields of endeavor teaches the method of the transport protocol includes a media transport protocol (see paragraph 0043, lines 1-15). Thus, it would have been obvious to the person of ordinary skill in the art at the time of the invention to use the method as taught by Kaul et al. in the network of Saints et al. and Kari. The motivation for using the method as taught by Kaul et al. in the

network of Saints et al. and Kari, being that MTP such as RTP can provide real time transmission for voice and video with high required quality of service.

Regarding claim 4, Kaul et al. also disclosed the method of the transport protocol includes at least one CODEC format (see paragraph 0053, lines 1-15).

Regarding claim 5, Kaul et al. also disclosed the method of the at least one CODEC format is a selected one of a G.711 format, a G.723 format, and a G.729 format, an AMR format, a global system for mobile communications (GSM) format, a G.726 format, a G.722 format, a G.728 format, and video CODEC formats MPEG2 and MPEG4 (see paragraph 0053, lines 1-15).

Regarding claim 6, Kaul et al. also disclosed the method of the predetermined clip includes a video clip and the one or more current-digital-network packets include a video signal (see paragraph 0013, lines 1-15). The system 100 may communicate with various type of information, and this information is voice, and video. Thus, it would have been obvious to the person of ordinary skill in the art at the time of the invention to use the method as taught by Kaul et al. in the network of Saints et al. and Kari. The motivation for using the method as taught by Kaul et al. in the network of Saints et al. and Kari, being that MTP such as RTP can provide real time transmission for voice and video with high required quality of service.

Regarding claim 10, Kaul et al. also disclosed the method of the reference clip algorithm, the current clip algorithm, the reference-digital-network packets, and the current-digital-network packets are associated with a CODEC format (see paragraph 0053, lines 1-15). Wherein the codec algorithm uses the G.711 format.

Regarding claim 12, Kaul et al. also disclosed the method of identifying a CODEC format associated with the one or more current-digital-network packets; and selecting the current clip algorithm in accordance with the identified CODEC format (see paragraph 0053, lines 1-15).

Regarding claim 25, Kaul et al. also disclosed the method of the transport protocol includes a media transport protocol (see paragraph 0043, lines 1-15).

Regarding claim 26, Kaul et al. also disclosed the method of the transport protocol includes at least one CODEC format (see paragraph 0053, lines 1-15).

Regarding claim 27, Kaul et al. also disclosed the method of the at least one CODEC format is a selected one of a G.711 format, a G.723 format, and a G.729 format, an AMR format, a global system for mobile communications (GSM) format, a G.726 format, a G.722 format, a G.728 format, and video CODEC formats MPEG2 and MPEG4 (see paragraph 0053, lines 1-15).

Regarding claim 28, Kaul et al. also disclosed the method of the predetermined clip includes a video clip video and the one or more current-digital-network packets include a video signal (see paragraph 0013, lines 1-15). The system 100 may communicate with various type of information, and this information is voice, and video.

Regarding claim 32, Kaul et al. also disclosed the method of the reference clip algorithm, the current clip algorithm, the reference-digital-network packets, and the current-digital-network packets are associated with a CODEC format (see paragraph 0053, lines 1-15). Wherein the codec algorithm uses the G.711 format.

Regarding claim 34, Kaul et al. also disclosed the method of identifying a CODEC format associated with the one or more current-digital-network packets; and selecting the current clip algorithm in accordance with the identified CODEC format (see paragraph 0053, lines 1-15).

Regarding claim 36, Kaul et al. also disclosed the method of the CODEC format is selected from among a G.711 format, a G.723 format, and a G.729 format (see paragraph 0053, lines 1-15).

Regarding claim 45, Kaul et al. also disclosed the method of the transport protocol includes a media transport protocol (see paragraph 0043, lines 1-15).

Regarding claim 46, Kaul et al. also disclosed the method of the transport protocol includes at least one CODEC format (see paragraph 0053, lines 1-15).

Regarding claim 47, Kaul et al. also disclosed the method of the at least one CODEC format is a selected one of a G.711 format, a G.723 format, and a G.729 format, an AMR format, a global system for mobile communications (GSM) format, a G.726 format, a G.722 format, a G.728 format, and video CODEC formats MPEG2 and MPEG4 (see paragraph 0053, lines 1-15).

Regarding claim 48, Kaul et al. also disclosed the method of the predetermined clip includes a video clip and the current-digital-network packets include a video signal (see paragraph 0013, lines 1-15). The system 100 may communicate with various type of information, and this information is voice, and video.

Regarding claim 52, Kaul et al. also disclosed the method of the reference clip algorithm, the current clip algorithm, the reference-digital-network packets, and the

current-digital-network packets are associated with a CODEC format (see paragraph 0053, lines 1-15). Wherein the codec algorithm uses the G.711 format.

10. Claim 53 is rejected under 35 U.S.C. 103(a) as being unpatentable over Saints et al. (Pat No.: 5872755), in view of Kari (Pat No. 6434168), as applied to claim 1 above, and further in view of Armbruster et al. (Pub no.: 2004/0199388).

For claim 53, Saints et al. and Kari et al. disclosed all the subject matter of the claimed invention with the exception of including at least one silence algorithm coupled to the payload extractor to detect if the current-digital-network packets contain silence. Armbruster et al. from the same or similar fields of endeavor teaches the method of including at least one silence algorithm coupled to the payload extractor to detect if the current-digital-network packets contain silence (see fig. 1, unit 2, and unit 4). As shown in fig. 1, the algorithm can be the pattern-matching unit 4, which is coupled to the extractor 2. Thus, it would have been obvious to the person of ordinary skill in the art at the time of the invention to use the method as taught by Armbruster et al. in the network of Saints et al. and Kari. The motivation for using the method as taught by Armbruster et al. in the network of Saints et al. and Kari, being that MTP such as RTP can provide detection of matching data even if the phase shift occurs during transmission of data.

11. Claims 54-56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saints et al. (Pat No.: 5872755), in view of Kari (Pat No. 6434168), and Armbruster et al. (Pub no.: 2004/0199388), as applied to claim 53 above, and further in view of Hasegawa et al. (Pub No.: 2003/0072229).

Regarding claim 54, Saints et al. Kari and Armbruster et al. disclosed all the subject matter of the claimed invention with the exception of select a number-of-silence-bytes threshold value; count a number of silence bytes in one of the digital-network packets; compare the number of silence bytes in the one of the digital-network packets with the number-of-silence-bytes threshold value; and deem the one of the digital-network packets to include silence if the number of silence bytes in the one of the digital-network packets is greater than or equal to the number-of-silence-bytes threshold value. Hasegawa et al. from the same or similar fields of endeavor teaches the method of select a number-of-silence-bytes threshold value; count a number of silence bytes in one of the digital-network packets; compare the number of silence bytes in the one of the digital-network packets with the number-of-silence-bytes threshold value; and deem the one of the digital-network packets to include silence if the number of silence bytes in the one of the digital-network packets is greater than or equal to the number-of-silence-bytes threshold value (see paragraph 0008, lines 1-8). The system determines a match has been obtained based on the number of matching bit value is equal or greater than the predetermined value. Prior to comparison, the bits value is the counted values of the pre-recording data, which is the remained constant in value. Therefore, we can interpret that the data are pre-counted. The matching determination can be interpreted as

including silence. Thus, it would have been obvious to the person of ordinary skill in the art at the time of the invention to use the method as taught by Hasegawa et al. in the network of Saints et al. Kari, and Armbruster et al. The motivation for using the method as taught by Hasegawa et al. in the network of Saints et al. Kari, and Armbruster, being that the matching algorithm is achieved even if the two compared values are not exactly the same.

Regarding claim 55, Hasegawa et al. also disclosed the method of select a number-of-packets threshold value; count digital-network packets for which selected bytes of the digital-network packets remain substantially constant in value; and deem the digital-network packets to include silence if the number of digital-network packets for which the selected bytes of the digital-network packets remain substantially constant in value is greater than or equal to the number-of-packets threshold value (see paragraph 0008, lines 1-8). The system determines a match has been obtained based on the number of matching bit value is equal or greater than the predetermined value. Prior to comparison, the bits value is the counted values of the pre-recording data, which is the remained constant in value. Therefore, we can interpret that the data are pre-counted. The matching determination can be interpreted as including silence.

Regarding claim 56, Hasegawa et al. also disclosed the method of select a number-of-packets threshold value; count digital-network packets for which selected bytes of the digital-network packets remain constant in value; and deem the digital-network packets to include silence if the number of digital-network packets for which the selected bytes of the digital-network packets remain constant in value is greater than or

equal to the number-of-packets threshold value (see paragraph 0008, lines 1-8). The system determines a match has been obtained based on the number of matching bit value is equal or greater than the predetermined value. Prior to comparison, the bits value is the counted values of the pre-recording data, which is the remained constant in value. Therefore, we can interpret that the data are pre-counted. The matching determination can be interpreted as including silence.

12. Claims 8, 30, 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saints et al. (Pat No.: 5872755), in view of Kari (Pat No. 6434168), as applied to claim 1 above, and further in view of Hasegawa et al. (Pub No.: 2003/0072229).

Regarding claim 8, Saints et al. disclosed all the subject matter of the claimed invention with the exception of the method of determining a number of matches between the one or more current key values and the one or more reference key values associated with the reference clip; and deeming the current-digital-network packets to match the reference clip if the number of matches is greater than or equal to a predetermined threshold value. Hasegawa et al. from the same or similar fields of endeavor teaches the method of determining a number of matches between the one or more current key values and the one or more reference key values associated with the reference clip; and deeming the current-digital-network packets to match the reference clip if the number of matches is greater than or equal to a predetermined threshold value (see paragraph 0008, lines 1-8). The system determines a match has been

obtained based on the number of matching bit is equal or greater than the predetermined value. Prior to comparison, the bits value is the counted values of the pre-recording data. Therefore, we can interpret that the data are pre-counted. Thus, it would have been obvious to the person of ordinary skill in the art at the time of the invention to use the method as taught by Hasegawa et al. in the network of Saints et al. and Kari. The motivation for using the method as taught by Hasegawa et al. in the network of Saints et al. and Kari. being that the matching algorithm is achieved even if the two compared values are not exactly the same.

Regarding claim 30, Hasegawa et al. also disclosed the method of the comparing includes instructions for determining a number of matches between the one or more current key values and the one or more reference key values associated with the reference clip; and deeming the current-digital-network packets to match the reference clip if the number of matches is greater than or equal to a predetermined threshold value (see paragraph 0008, lines 1-8). The system determines a match has been obtained based on the number of matching bit is equal or greater than the predetermined value. Prior to comparison, the bits value is the counted values of the pre-recording data. Therefore, we can interpret that the data are pre-counted.

Regarding claim 50, Hasegawa et al. also disclosed the method of the comparison processor is adapted to determine a number of matches between the one or more current key values and the one or more reference key values associated with the reference clip, and to deem the one or more current-digital-network packets to match the reference clip if the number of matches is greater than or equal to a

predetermined threshold value (see paragraph 0008, lines 1-8). The system determines a match has been obtained based on the number of matching bit is equal or greater than the predetermined value. Prior to comparison, the bits value is the counted values of the pre-recording data. Therefore, we can interpret that the data are pre-counted.

13. Claims 13 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saints et al. (Pat No.: 5872755), in view of Kari (Pat No. 6434168), as applied to claim 1 above, and further in view of Hurst (Pat No.: 6188728).

For claim 13, Saints et al. and Kari both disclosed all the subject matter of the claimed invention with the exception of selecting the reference clip algorithm and the current clip algorithm from among a plurality of clip algorithms in accordance with a CODEC format, the reference-digital-network packets and the current-digital-network packets associated with the CODEC format. Hurst from the same or similar fields of endeavor teaches the method of selecting the reference clip algorithm and the current clip algorithm from among a plurality of clip algorithms in accordance with a CODEC format, the reference-digital-network packets and the current-digital-network packets associated with the CODEC format (see column 7, lines 30-35). There is plurality of algorithms based on difference codec information. Thus, it would have been obvious to the person of ordinary skill in the art at the time of the invention to use the method as taught by Hurst in the network of Saints et al. and Kari. The motivation for using the

method as taught by Hurst in the network of Saints et al. and Kari. being that the difference algorithm can produced difference values based on the same original data.

For claim 35, Hurst also disclosed the method of selecting the reference clip algorithm and the current clip algorithm from among a plurality of clip algorithms in accordance with a CODEC format, the reference-digital-network packets and the current-digital-network packets associated with the CODEC format (see column 7, lines 30-35). There is plurality of algorithms based on difference codec information.

14. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Saints et al. (Pat No.: 5872755), in view of Kari (Pat No. 6434168), and Hurst (Pat No.: 6188728), as applied to claim 13 above, and further in view of Kaul et al. (Pub No.: 2005/0047423).

For claim 14, Saints et al., Kari, and Hurst, disclosed all the subject matter of the claimed invention with the exception of the CODEC format is selected from among a G.711 format, a G.723 format, and a G.729 format, an AMR format, a global system for mobile communications (GSM) format, a G.726 format, a G.722 format, a G.728 format, and video CODEC formats MPEG2 and MPEG4. Kaul et al. from the same or similar fields of endeavor teaches the method of the CODEC format is selected from among a G.711 format, a G.723 format, and a G.729 format, an AMR format, a global system for mobile communications (GSM) format, a G.726 format, a G.722 format, a G.728 format, and video CODEC formats MPEG2 and MPEG4 (see paragraph 0053, lines 1-15).

Thus, it would have been obvious to the person of ordinary skill in the art at the time of the invention to use the method as taught by Kaul et al. in the network of Saints et al. Kari. And Hurst. The motivation for using the method as taught by Kaul et al. in the network of Saints et al. Kari. And Hurst, being that the algorithm selects values based on the codec, which translates the data to equivalent to the values.

15. Claims 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaul et al. (Pub No.: 2005/0047423), in view of Kingdon (Pat No.: 5933468).

For claim 18, Kaul et al. disclosed all the subject matter of the claimed invention with the exception of the at least one silence algorithm is associated with selected byte locations of the digital-network packets. Kingdon from the same or similar fields of endeavor teaches the method of the at least one silence algorithm is associated with selected byte locations of the digital-network packets (see column 4, lines 1-15). As shown, the algorithm detects the location of a bit. Thus, it would have been obvious to the person of ordinary skill in the art at the time of the invention to use the method as taught by Kingdon in the network of Kaul et al. The motivation for using the method as taught by Kingdon in the network of Kaul et al. being that the algorithm has the capabilities to match bit by bit in each bit location.

Regarding claim 19, Kaul et al. disclosed the method of the transport protocol includes at least one CODEC format and the at least one silence algorithm is

associated with the at least one CODEC format (see paragraph 0053, lines 1-15). Wherein the codec algorithm uses the G.711 format.

16. Claims 20-22, and 40-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaul et al. (Pub No.: 2005/0047423), in view Hasegawa et al. (Pub No.: 2003/0072229).

For claim 20, Kaul et al. disclosed all the subject matter of the claimed invention with the exception of selecting a number-of-silence-bytes threshold value; counting a number of silence bytes in one of the digital-network packets; comparing the number of silence bytes in the one of the digital-network packets with the number-of-silence-bytes threshold value; and deeming the one of the digital-network packets to include silence if the number of silence bytes in the one of the digital-network packets is greater than or equal to the number-of-silence-bytes threshold value. Hasegawa et al. from the same or similar fields of endeavor teaches the method of selecting a number-of-silence-bytes threshold value; counting a number of silence bytes in one of the digital-network packets; comparing the number of silence bytes in the one of the digital-network packets with the number-of-silence-bytes threshold value; and deeming the one of the digital-network packets to include silence if the number of silence bytes in the one of the digital-network packets is greater than or equal to the number-of-silence-bytes threshold value (see paragraph 0008, lines 1-8). The system determines a match has been obtained based on the number of matching bit is equal or greater than the

predetermined value. Prior to comparison, the bits value is the counted values of the pre-recording data. Therefore, we can interpret that the data are pre-counted. The matching determination can be interpreted as including silence. Thus, it would have been obvious to the person of ordinary skill in the art at the time of the invention to use the method as taught by Hasegawa et al. in the network of Kaul et al. The motivation for using the method as taught by Hasegawa et al. in the network of Kaul et al. being that the matching algorithm is achieved even if the two compared values are not exactly the same.

Regarding claim 21, Hasegawa et al. also disclosed the method of selecting a number-of-packets threshold value; counting digital-network packets for which selected bytes of the digital-network packets remain substantially constant in value; and deeming the digital-network packets to include silence if the number of digital-network packets for which the selected bytes of the digital-network packets remain substantially constant in value is greater than or equal to the number-of-packets threshold value (see paragraph 0008, lines 1-8). The system determines a match has been obtained based on the number of matching bit value is equal or greater than the predetermined value. Prior to comparison, the bits value is the counted values of the pre-recording data, which is the remained constant in value. Therefore, we can interpret that the data are pre-counted. The matching determination can be interpreted as including silence.

Regarding claim 22, Hasegawa et al. also disclosed the method of selecting a number-of-packets threshold value; counting digital-network packets for which selected bytes of the digital-network packets remain constant in value; and deeming the digital-

network packets to include silence if the number of digital-network packets for which the selected bytes of the digital-network packets remain constant in value is greater than or equal to the number-of-packets threshold value (see paragraph 0008, lines 1-8). The system determines a match has been obtained based on the number of matching bit value is equal or greater than the predetermined value. Prior to comparison, the bits value is the counted values of the pre-recording data, which is the remained constant in value. Therefore, we can interpret that the data are pre-counted. The matching determination can be interpreted as including silence.

Regarding claim 40, Hasegawa et al. also disclosed the method of selecting a number-of-silence-bytes threshold value; counting a number of silence bytes in one of the digital-network packets; comparing the number of silence bytes in the one of the digital-network packets with the number-of-silence-bytes threshold value; and deeming the one of the digital-network packets to include silence if the number of silence bytes in the one of the digital-network packets is greater than or equal to the number-of-silence-bytes threshold value (see paragraph 0008, lines 1-8). The system determines a match has been obtained based on the number of matching bit is equal or greater than the predetermined value. Prior to comparison, the bits value is the counted values of the pre-recording data. Therefore, we can interpret that the data are pre-counted. The matching determination can be interpreted as including silence.

Regarding claim 41, Hasegawa et al. also disclosed the method of selecting a number-of-packets threshold value; counting digital-network packets for which selected bytes of the digital-network packets remain substantially constant in value; and deeming

the digital-network packets to include silence if the number of digital-network packets for which the selected bytes of the digital-network packets remain substantially constant in value is greater than or equal to the number-of-packets threshold value (see paragraph 0008, lines 1-8). The system determines a match has been obtained based on the number of matching bit value is equal or greater than the predetermined value. Prior to comparison, the bits value is the counted values of the pre-recording data, which is the remained constant in value. Therefore, we can interpret that the data are pre-counted. The matching determination can be interpreted as including silence.

Regarding claim 42, Hasegawa et al. also disclosed the method of counting digital-network packets for which selected bytes of the digital-network packets remain constant in value; and deeming the digital-network packets to include silence if the number of digital-network packets for which the selected bytes of the digital-network packets remain constant in value is greater than or equal to the number-of-packets threshold value (see paragraph 0008, lines 1-8). The system determines a match has been obtained based on the number of matching bit value is equal or greater than the predetermined value. Prior to comparison, the bits value is the counted values of the pre-recording data, which is the remained constant in value. Therefore, we can interpret that the data are pre-counted. The matching determination can be interpreted as including silence.

### *Allowable Subject Matter*

17. Claims 9, 31, and 51 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims. The prior art failed to teach the method of the reference clip algorithm is the same as the current clip algorithm, the reference clip algorithm including instructions for selecting the one or more reference key values by mapping a number of bits beginning at respective one or more byte offsets in the one or more reference real-time protocol payloads, and the current clip algorithm including instructions for selecting the one or more current key values by the same mapping of the same number of bits beginning at respective one or more byte offsets in the one or more current real-time protocol payloads, as recited in claim 9, 31, and 51.

### *Conclusion*

18. The prior art made or record and not relied upon is considered pertinent to applicant's disclosure. Moon (Pat No.: 6944123), Hernandez-Valencia (Pat No.: 6480467), and Abramovitch et al. (Pub No.: 2003/0063566), are show systems which considered pertinent to the claimed invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kan Yuen whose telephone number is 571-270-2413. The examiner can normally be reached on Monday-Friday 10:00a.m-3:00p.m EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky O. Ngo can be reached on 571-272-3139. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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